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8 Attorneys for Plaintiffs

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 KEVIN MORRIS and GLENN R.
12 SEMOW, on behalf of Themselves and
13 All Others, Simalarly Situated,

14 Plaintiffs,

15 v.

16 BMW OF NORTH AMERICA, LLC

17 Defendants.

) CASE NO. CV 07-2827 WHA
) Hon. William H. Alsup
)

) **STIPULATION GRANTING**
) **LEAVE TO FILE FIRST**
) **AMENDED COMPLAINT &**
) **TAKING DEFENDANT'S**
) **PENDING MOTION TO DISMISS**
) **OFF-CALENDAR**

18 Action Filed: May 31, 2007

19 IT IS HEREBY STIPULATED by and between Plaintiffs KEVIN MORRIS
20 and GLENN R. SEMOW, ("Plaintiffs"), through their counsel of record and
21 Defendant BMW OF NORTH AMERICA, LLC ("BMW") through its counsel of
22 record, as follows:

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1 Whereas, defendant BMW has pending a motion to dismiss the complaint
2 pursuant to F.R.Civ Proc 12(b)(6), the hearing on which is presently set for hearing
3 on August 30, 2007;

4 Whereas, plaintiffs wish to have leave to file their First Amended Complaint;

5 Wherefore, IT IS HEREBY STIPULATED that the pending motion to
6 dismiss may be taken off-calendar without prejudice; that plaintiffs may have leave
7 to file their First Amended Complaint provided they do so by August 31, 2007; and
8 that defendant BMW shall have 20 days to answer or otherwise plead in response to
9 the First Amended Complaint.

10 DATED: August 8, 2007

LEWIS BRISBOIS BISGAARD & SMITH
LLP

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12
13 By /s/Jon P. Kardassakis

14 Roy M. Brisbois

15 Jon P. Kardassakis

16 Attorneys for Defendant

17 BMW OF NORTH AMERICA, LLC

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19 DATED: August 8, 2007

KEMNITZER, ANDERSON, BARRON,
OGILVIE, & BREWER LLP

20
21
22 By /s/ Mark F Anderson

23 Mark F. Anderson

24 Attorneys for Plaintiffs

25 KEVIN MORRIS and

26 GLENN R. SEMOW
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